

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAIME PIERO COLE,	§	
	§	
Petitioner	§	
	§	
v.	§	Civil Action No. 4:17-cv-940
	§	
LORIE DAVIS,	§	THIS IS A CAPITAL CASE
Director, Texas Department of	§	
Criminal Justice, Correctional	§	
Institutions Division,	§	
	§	
Respondent.	§	

**JOINT MOTION TO LIFT STAY, REINSTATE THE CASE, AND PROPOSED
SCHEDULING ORDER**

COMES NOW, Shawn Nolan, attorney for Petitioner Jaime Piero Cole, and Assistant Attorney General Stephen Hoffman, attorney for Respondent Davis, and submit this motion to lift the stay, reinstate the case, and propose a scheduling order.

1. On September 20, 2019, this Court granted Cole's motion for stay and ordered Cole to file a state habeas application. ECF No. 49 at 10. The Court further ordered that Cole move to lift the stay and reinstate the case within 14 days of the conclusion of state habeas review with a joint motion for a new scheduling order. *Id.*

2. On April 1, 2020, the Texas Court of Criminal Appeals dismissed Cole's application for writ of habeas corpus. *Ex Parte Jaime Piero Cole*, No. WR-84,322-02. Pursuant to this Court's order, Cole moves to lift the stay and reinstate the case.

3. Additionally, the parties propose the following scheduling order:

4. Cole shall file an Amended Petition for Writ of Habeas Corpus within 60 days of the entry of this Scheduling Order.

5. Davis will file an Answer to the Amended Petition within ninety days of the filing of the Amended Petition.

6. Cole will file a Reply to Davis's Answer within sixty days of the filing of the Answer.

7. Cole reserves the right to file a motion for discovery after Davis has filed an Answer. *See* ECF No. 29 at 9 (denying Cole's motion for discovery without prejudice, and allowing Cole to refile a discovery motion after Respondent files an Answer).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused the foregoing to be served on the following person by ECF filing:

STEPHEN HOFFMAN
Assistant Attorney General
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P.O. Box 12548, Capitol Station
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Dated: April 15, 2020